IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 498 of 1995

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. D.S.SINHA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAGATSINH N SODA & 5

Versus

INDRAVADAN RAMNIKLAL MEHTA

Appearance:

1. Criminal Misc.Application No. 498 of 1995

MR CH VORA for Petitioner No. 1-6

MR UTKARSH JANI for MR BG JANI for Respondent No. 1

MR LR PUJARI, ADDL PUBLIC PROSECUTOR for Respondent No. 2

CORAM : THE CHIEF JUSTICE MR. D.S.SINHA

Date of decision: 07/02/2003

ORAL JUDGEMENT

#. Heard Mr.C.H.Vora, learned counsel appearing for the applicants, Mr.Utkarsh Jani for Mr.B.G.Jani, learned counsel representing respondent No.1, and Mr.L.R.Pujari, learned Additional Public Prosecutor appearing for respondent No.2.

#. The complaint dated 24th January, 1995, filed against the applicants by respondent No.1, the application dated 24th January, 1995, praying for seizure of certain documents, and two orders dated 24th January, 1995, passed thereon are sought to be challenged by the applicants herein in this application under Section 482 of the Code of Criminal Procedure, 1973, hereinafter called "the Code".

#. So far the two orders dated 24th January, 1995, are concerned, the learned counsel appearing for the applicants has not been able to dispute that they are revisable and, therefore, the applicants have effective statutory alternative remedy provided by the Code itself. It is well settled that inherent powers of the High Court are to be used sparingly, and only when there is no other provision in the Code for redressal of the grievance of the aggrieved person. The applicants shall be at liberty to invoke the revisional powers of the concerned Court, if they are so advised.

#. With regard to the complaint dated 24th January, 1995, instituted against the applicants by respondent No.1, the contention of the learned counsel of the applicants is that the complaint is founded on false allegations. Reliability or genuineness or otherwise of the allegations made in the complaint is a matter to be investigated by the trial Court. No inquiry in this regard can be embarked upon by the High Court in exercise of its inherent jurisdiction under Section 482 of the Code.

#. All told, the application is devoid of substance. It is rejected accordingly. Rule is discharged. Interim order/ orders shall stand vacated. In view of the fact that the matter is pretty old, the trial Court is directed to proceed expeditiously.

(D.S.Sinha, C.J.)

(sunil)